



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: TUVAL=1

In re Application of:) Art Unit: 3737
Miron TUVAL)
Appln. No.: 10/075,385) Examiner: J.R. Sanders, Jr.
Filed: February 15, 2002) Washington, D.C.
For: METHOD AND APPARATUS) Confirmation No. 7231
FOR LOW BANDWIDTH...) March 17, 2004
)

REPLY TO RESTRICTION REQUIREMENT

Customer Window, Mail Stop
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

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TECHNOLOGY CENTER R3700

Sir:

Applicant is in receipt of the Office Action mailed February 18, 2004, in the nature of a restriction requirement between what is deemed by the PTO to be two (2) patentably distinct inventions.

As applicant must make an election even though the requirement is traversed, applicant hereby respectfully and provisionally elects Group II, presently claims 38-55, with traverse and without prejudice.

Applicant traverses on the basis of the second paragraph of MPEP 803 which **requires** the search and

Appn. No. 10/075,385
Reply dated March 17, 2004
Reply to Office Action of February 18, 2004

examination and an entire application, even though the restriction requirement is correct, if such a search and examination would not impose a "serious burden". Applicant believes that the claimed (presently non-elected) method involves use of the elected system/apparatus, i.e. the two are closely related to one another, whereby examination of the apparatus would require full consideration of the method. Accordingly, even though the method and apparatus appear to be separately classified according to the Office Action, they are so closely intertwined that no serious burden would result in a consideration of a method along with the apparatus.

Accordingly, applicant respectfully requests withdrawal of the requirement and examination of the method claims along with the elected Group II claims.

Applicant respectfully awaits the results of a first examination on the merits.

Respectfully submitted,

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By



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